

REMARKS

Claims 1 and 3-15 are pending in this application. This Supplemental Amendment includes a Declaration under 37 C.F.R. §1.132. The Declaration provides additional support for the patentability of claims 1 and 3-15. In view of the Amendment and the following remarks, reconsideration and allowance are respectfully requested.

The April 22, 2003 Office Action rejects claims 6-7 and 12-15 under 35 U.S.C. §103(a) over Chen in view of Amo-Marco. As detailed in the October 21, 2003 Amendment, claim 6 is directed to a method for culturing *Ficus* tissue that includes sub-culturing a part of a *Ficus* tissue in a culture medium containing thidiazuron and benzyladenine, wherein the *Ficus* tissue is selected from the group consisting of a shoot apex, a stem, a stem node, an embryonic cell and a root. Amo-Marco does not teach or suggest culturing methods that utilize the claimed *Ficus* tissues. Amo-Marco describes a method for culturing leaf tissue and would not have taught or suggested, to one of ordinary skill in the art, that its leaf related techniques could in any way be applied to other tissues, such as a shoot apex, a stem, a stem node, an embryonic cell and a root, as claimed.

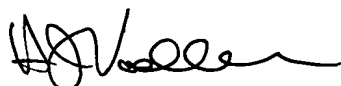
In further support of its traverse, Applicants provide additional evidentiary data in the attached Declaration. The data illustrates that hormones that are effective for stems and roots are not necessarily effective for leaves. Conversely, hormones that are effective for leaves are not necessarily effective for stems and other tissues. Table 1 shows, for example, that zeatin phytohormone provides effective results (i.e., regenerated shoots) for stem tissues but not for leaf tissues. Although Amo-Marco teaches a culturing method that includes benzyladenine and thidiazuron for culturing *Ficus* leaves, one of ordinary skill in the art would not have been motivated to apply the Amo-Marco leaf related techniques to other plant tissues, such as a shoot apex, a stem, a stem node, an embryonic cell and a root, even from the same plant species.

For at least this additional reason, Chen and Amo-Marco, alone or in combination, would not have rendered obvious the culturing methods of claims 6-7 and 12-15. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 3-15 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

H. James Voeller
Registration No. 48,015

JAO:HJV/rle

Attachment:

Declaration Under 37 C.F.R. §1.132

Date: December 31, 2003

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--